of Edmondson Avenue

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Counsel, Dawn Oxley Musgrave, Esquire. Also appearing on behalf of the Petition were: Audrey Burke, Janet L. Onion, Patricia S. Nunn, W. E. Cadell, H. E. Lacey, and Richard J. Hunt. Mr. & Mrs. Charles Martin appeared as Protestants.

Testimony indicated that the subject property, known as 124 Smithwood Avenue, is zoned D.R. 3.5 and is improved with a one and one-half story brick and shingle dwelling divided into two apartments. Mr. Lawrence testified that he purchased the subject property in September 1973 and has since used the property continuously and without interruption as a two-apartment dwelling.

Mrs. Audrey Burke testified that she has resided at the adjoining property, known as 126 Smithwood Avenue, since 1928. She testified that her uncle Subuilt the residence at 124 Smithwood Avenue in 1923 and that he resided there until about 1940/41. Mrs. Burke testified that she specifically remembers that said property was used as a two-apartment dwelling as early as 1944. She remembers that at that time, the downstairs resident, Mrs. Ingram, took her to pick up her sister at school when her grandfather died. Since that time, to the best of her knowledge and belief, the subject property has been used continuously and without interruption as a two-apartment dwelling, except during brief periods

CERTIFICATE OF POSTING

Posted for: Special Hearing
Petitioner: William Kent Lawrence Location of Signer Chapter of 124 Smithwood are

Location of Signer Chapter of 124 Smithwood are

Location of Signer Chapter of 124 Smithwood are

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on april 28, 19-88

THE JEFFERSONIAN,

thuran Ilander Derent Publisher

33.75

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case number: 88-453-5PH
W/S Smithwood Avenue, 59.8' S
Edmondson Avenue
(124 Smithwood Avenue)

Petitioner(s): William Kent Law

two apartment dwelling.

If the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any state of the sistance of

request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing this office by the date of the hearing the permit of the period of the perio

set above or presented at the hear-

" I. ROBERT HAINES

Hearing Date: Tuesday May 17, 1988 at 9:00 a.m.

when there was a change in tenants.

Mr. Lacey testified that he is familiar with the property and that he lived there from 1923 to 1951. He further testified that the property was converted to a two-apartment dwelling before he went into the service in 1941. He testified that when he came back from the service he resided in the second floor apartment for a period of time.

In further support of their Petition, the Petitioner introduced as Petitioner's Exhibit 2 the affidavit of Isabelle M. Ingram wherein she states that she lived in the first floor apartment from April 1941 to May 1944.

Following the testimony of the supporting witnesses, the Protestants agreed that the Petitioner had met his burden of establishing a valid nonconforming use of the subject property as a two-apartment dwelling.

The Petitioner seeks relief from Sections 104.1 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use of the subject property as a two-apartment dwelling exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore /KA day of June, 1988 that the Petition for Special Hearing to pprove the nonconforming use of the subject property as a two-apartment dweling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

Dennis F. Rasmussei

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Hainer

Mr. William Kent Lewrence 101 Arbutus Avenus Beltimore, Meryland 21228

Res Petition for Special Hearing Case Numbers 88-453-5PH W/S Smithwood Avenue, 59.8° S Edmondson Avenue (124 Smithwood Avenue) Petitioner(s): William Kent Laurence

11th Election District - 5th Councilmente District HEARING SCHEDULED& TUESDAY, MAY 17, 1988 at 9:00 a.m.

Dear Mr. Leurances

Please be advised that 7103 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Puilding Room, 111. Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MICCELLANEOUS CASH RECEIPT

and post set(s), there : for each set not

B B 017 *** ** 70 40 2/ 1/2. VALIDATION OR SIGNATURE OF CASHIER

Dawn Oxley Musgrave, Esquire One Overbrook Road Baltimore, Maryland 21228

RE: Petition for Special Hearing W/S Smithwood Avenue, 59.8' S of Edmondson Avenue (124 Smithwood Avenue) 11th Election District, 5th Councilmanic District William Kent Lawrence - Petitioner Case No. 88-453-SPH

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been Granted in accordance with the attach-

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTARCHICZ

AMNIDJS

Enclosures

Deputy Zoning Commissioner of Baltimore County

People's Counsel

cc: Nr. & Mrs. Charles Martin 121 Smithwood Avenue, Baltimore, Hd. 21228 MORE COUNTY, MARYLAND OF FINANCE - REVENUE DIVISION CELLANEOUS CASH RECEIPT

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 191 3353

J. Robert Haines

Merch 18, 1989

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing Case Numbers 88-453-5PH W/S Smithwood Avenue, 59.8° S Edmondson Avenue (124 Smithwood Avenue) 11th Election District - 5th Councilmenia District Petitioner(s): William Kent Laurence HEARING SCHEDULED: TUESDAY, MAY 17, 1988 at 8:00 a.m.

Special Hearings the continued use of 124 Smithwood Avenue as a too epartment dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

> Dawn Oxley Musgrave, Esq. William Kent Lawrence

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine when ther or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the continued use of 124 Smithwood Avenue as a two apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

me 54135 Contract Purchaser: Legal Owner(s): .William_Kent_Lawrence__ (Type or Print Name) (Type or Frint Name) Midella / Gent free CATE ______ City and State 5 - 8,730 W-38,520 Attorney for Petitioner --101-Arbutus-Ave-----788-9316---Dawn Oxley Musgrave (Type or Print Name) Baltimore, Maryland 21228 One Overbrook Road Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, MD 21228 Dawn_oxley_Musgrave_(attorney) Attorney's Telephone No.: 4301-1744-8675. -- Baltimore, -- MD-21228--- (301)-744-8675

ORDERED By The Zoning Commissioner of Baltimore County, this ______day of 1934, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17.75 day of May 19.55, at 2 o'clock

Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

4298

DESCRIPTION OF 124 SMITHWOOD AVENUE

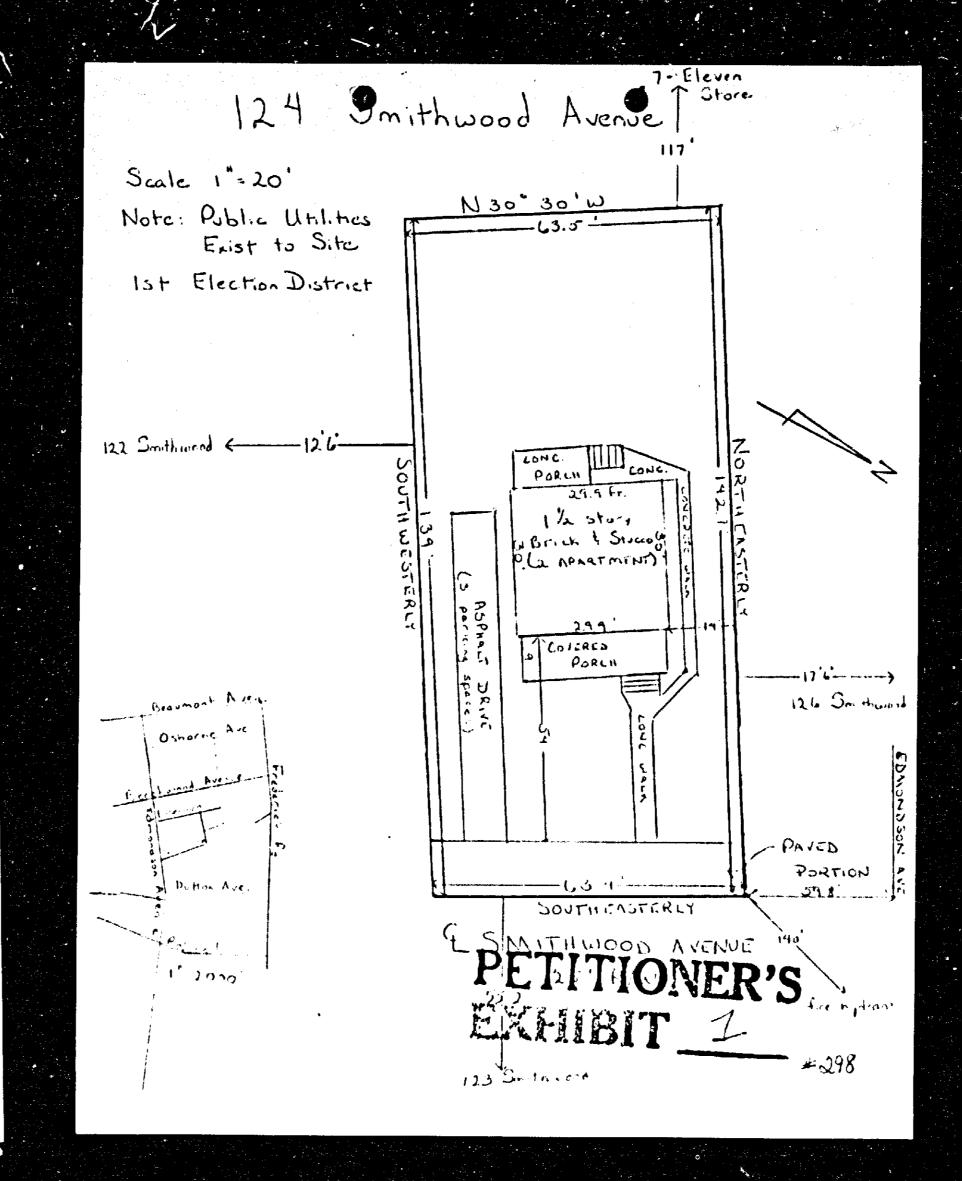
Beginning for the same on the center line of Smithwood Avenue (sometimes called Smithwood Avenue as now laid out 25 feet wide and to be forever kept open for common use) at a distance of 59.8 feet Southeasterly from the corner formed by the intersection of the Southernmost side of Edmondson Avenue with the center line of Smithwood Avenue and running thence Southeasterly along the center line of Smithwood Avenue 63.4 feet to the Northeasternmost corner of the lot of ground conveyed by Anthony A. Bugler et al. to Leonard W. Porter by deed dated 3/1/13 and recorded among the land records of Baltimore County in Liber WPC 409 folio 115 and running thence Southesterly binding on the Northernmost side of said lot of ground 139 feet to the beginning of the fourth line of the tract of land conveyed to Leonard W. Porter by Anthony A. Bugler et al. by deed dated 12/15/22 and recorded among the Land Records of Baltimore County in Liber WPC 566 folio 332 and running thence binding on the fourth line North 30 degrees 30 minutes West 63.5 feet to a stake; thence Northeasterly and parallel with said second line of this description 142.7 feet to the center line of Smithwood Avenue and the place of beginning. The improvements thereon being known as No. 124 Smithwood Avenue.

Together with the right to use the strip of ground 5 feet wide extending from the Northwest corner of the lot of ground conveyed by deed dated 6/17/60 by Vera M. Hoshall to Raymond P. Bahr and wife recorded in the Land Records of Baltimore County Liber 3715 folio 144 and running along the fourth line of tract conveyed by Anthony Bugler to Leonard W. Porter by deed recorded among the land records of Baltimore County in Liber WPC 566 folio 332, to Edmondson Avenue said five foot strip to be used exclusively for laying, constructing, altering repairing, renewing pipes or drains for sewerage for improvements erected or to be erected on land herewith the right to Harold F. Lacey and Helen Lacey, his wife, their heirs and assigns, to enter upon said strip for the purposes herein set forth.

To whom it may Coursen I lined in the first floor apartment at 124 linethousal live from april, 1941 to Deray, 1944. Isabelle M. Ingram 11679 35 th Care Beltaville, and 20705 PETITO IR'S State of Prenee Huger Courty of Prenee Huger Swam before one this 26th day January, My commession expires 7-1-90 notary Public

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE James Dyer Zoning Supervisor James Thompson FROM Zoning Enforcement Coordinator Item No.: 298. (if known)
SUBJECT Petitioner: William K Lawrence VIOLATION CASE * 88-1175
LOCATION OF VIOLATION 124 Smithwood Overne

DEFENDANT William & Laurence Address 101 Arbeitus Overne
21228 Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons: 121 Smithwood Obenne William K hayrance Julia Martin After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554



ZONING OFFICE

March 31, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

MSF/pml-b

The Bureau of Traffic Engineering has no comments for items

number 292, 293, 294, 295, 297, 298) 299 and 300.

Very truly yours,

Tribal S. Ilmiz a Michael S. Flanigan
Traffic Engineer Associate II

88-453-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this and day of March, 1988.

VZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans Petitioner William Kent Lawrence Advisory Committee Petitioner's Dawn Oxley Musgrave

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 2, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeaka Ave. Towson, Maryland 21204

appropriate action may be taken relative to the violation case.

Bureau of

Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention

Health Department Project Planning Building Department Board of Education Coming Administration

Industrial

. Development

Dawn Oxley Musgrave, Esquire One Overbrook Road Catonsville, Maryland 21228

> RE: Item No. 298 - Case No. 88-453-SPH Petitioner: William Kent Lawrence Petition for Special Hearing

Dear Ms. Musgrave:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Gance V. Oyer/de JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt Enclosures BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

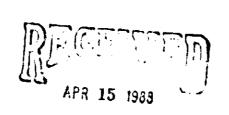
Date April 13, 1988

P. David Fields FROM. Director of Planning and Zoning Zoning Petition Nos. 88-452-SpH 88-453-SpH. 88-454-SpH. SUBJECT_88-456-SpU. 88-457-SpU

In view of the subject of this petition, this office offers no comment.

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



ZONING OFFICE

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Dennis F. Rasmussen

Re: Property Owner: William K. Lawrence

Location: W/S Smithwood Avenue, 59.8° S. Edmondson Avenue

March 2, 1988

Item No.: 298

Zoning Agenda: Meeting of 3/1/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 7. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCERDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

prior to occupancy. () 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Calt | Calt | Ally 7 2-55 Approved: | Fire Prevention Bureau Special Inspection Division